

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JENNIFER WELLEN,

Plaintiff,

-against-

SOURCE SOLUTIONS MANAGEMENT, LLC,

Defendant.

Case No.

COMPLAINT

NOW COMES Plaintiff, Jennifer Wellen ("Plaintiff"), by and through his attorneys, and for his Complaint against Defendant, Source Solutions Management, LLC ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

Parties

2. Plaintiff is a natural person residing in the city of Westminster, Maryland and is otherwise *sui juris*.

3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692(a)(3).

4. Defendant is a New York Limited Liability Company conducting business in the State of New York and has its principal place of business in Monroe County, City of Rochester, NY.

5. Defendant is a debt collector as defined by 15 U.S.C. § 1692(a)(6) and sought to collect a consumer debt from Plaintiff.

6. At all times relevant to this Complaint, Defendant has acted through its agents, employees, officers, members, directors, heir, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Defendant is headquartered and conducts business in the State of New York. Therefore, personal jurisdiction is established.

8. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692(k)(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

9. Venue is proper in the United States District Court for the Western District of New York pursuant to 28 U.S.C § 1391(b)(2) because Defendant resides within this District and a substantial part of the events or omissions giving rise to the herein claims occurred in this District.

Factual Allegations

10. On or around January 14, 2020, Defendant placed a call to Plaintiff’s cell phone, telephone number (443) XXX-1842, in connection with its efforts to collect an alleged debt from Plaintiff.

11. The alleged debt arises from transactions that were for personal, family, and household purposes.

12. Defendant recorded a message on Plaintiff’s voicemail on January 14, 2020.

13. The message that Defendant recorded on Plaintiff's voicemail instructed Plaintiff to call telephone number (866) 568-4463.

14. Telephone number (866) 568-4463 is assigned to Defendant.

15. Defendant failed to disclose its identity as a debt collector, the nature of the call, or state that the call was from a debt collector in the message it recorded on Plaintiff's voicemail.

16. Defendant intentionally concealed its identity to harass and trick Plaintiff.

17. In the voicemail message, Defendant stated that Plaintiff had been notified of a "claim" and represented that Plaintiff and Defendant had communicated before, which is false.

18. Defendant is engaging in conduct the natural consequence of which is to harass, oppress, and abuse Plaintiff in connection with attempting to collect on a debt by failing to meaningfully disclose its identity as a debt collector in its phone calls to Plaintiff.

19. Defendant is also using false, deceptive and misleading means in connection with attempting to collect a debt by using false statements and not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

CLAIM FOR RELIEF

Violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq.

20. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-19.

21. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated § 1692(d) of the FDCPA by engaging in conduct of which the natural result is the abuse and harassment of the Plaintiff; and
- b. Defendant violated § 1692(d)(6) of the FDCPA by placing a telephone call without disclosing its identity.

- c. Defendant violated §1692(e) of the FDCPA by any other false, deceptive, or misleading representation or means in connection with the debt collection; and
- d. Defendant violated §1692(e)(11) of the FDCPA by failing to contain the warning: This is an attempt to collect a debt... communication is from a debt collector.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant as follows:

- 21. Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692(k);
- 22. Reasonable attorneys' fees and costs pursuant to 15 U.S.C. § 1692(k); and
- 23. Awarding such other and further relief as may be just, proper and equitable.

JURY TRIAL DEMAND

- 24. Plaintiff demands a jury trial on all issues so triable

Respectfully submitted,

Dated: July 30, 2020

/s/ Adam T. Hill
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